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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,302	02/19/2002	Yoshihito Narita	111733	9929
25944	7590	02/27/2004	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			ULLAH, AKM E	
			ART UNIT	PAPER NUMBER
			2874	

DATE MAILED: 02/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/076,302

Applicant(s)

NARITA ET AL.

Examiner

Akm Enayet Ullah

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/18/02.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Detailed Action***

Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claims 17 are pending in this application.

The preliminary amendment prior to initial examination has been entered in the file.

***Drawings***

This application has been filed on February 19, 2002 with an informal drawings which are acceptable for examination purpose only. Formal drawings will be required when the application is allowed.

Note that figures 2-6 must be designated under the Brief Description of the Drawings as follows:

Figures 2 a - 2c, 3a - 3b, 4a - 4c, 5a - 5d, 6a - 6c as indicated in the drawings.  
Correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2874

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sowers et al (USPNO. 3,586,895) and Moran (USPNO. 6,522,817).

Sowers et al (USPNO. 3,586,895) disclose a fiber optic bundle which is provided in which each of the fibers comprises a central core of one optical material and an outer layer of another optical material and an outer layer of another optical material selectively more sensitive to an etchant than the core material. The fibers at the opposite end of the bundle are placed in an etchant for selectively etching the ends of the fibers to produce a terminal taper on each fiber. The terminal tapers of the fibers are then coated with a photodiode material. It is noted that the optical wave-guides can take various different forms and the photosensitive material can also take different forms such as photo emissive or photoconductive material.

Moran (USPNO. 6,522,817) discloses an alignment of an array of N optical fibers is obtained by using a substrate with a thin layer mounted thereon. The primary substrate has a sufficient structure to support an array of N spaced-apart optical fibers passing there through. Fibers can have tapered ends so as to facilitate easier insertion through the various apertures of the optical fiber array apparatus with the tapered ends extending completely through the apertures in the primary substrate.

Note that an arrangement of an optical head used in an optical memories in which a plurality of near-field probes is aligned in a planar manner is being actively studied and also a method is being employed in such multi-staged film-forming/etching process were formed with respect to  $\text{Si}$  wafers for manufacturing such probes (see the applicant's admitted background of the invention.)

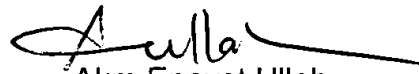
It would have been under 103 to use the teachings of different material such as  $\text{SiO}_2$  (guiding light material) of Moran with the Sowers et al optical device since, with both device being directed to a common use in the same environment, there is an implied suggestion for applying the teachings of one to the other. That is, the skilled worker who is presumed to have knowledge of the prior art, with these two reference ((Sowers et al (USPNO. 3,586,895) and Moran (USPNO. 6,522,817)) before him, would immediately recognize the desirability of employing the (light guiding material)  $\text{SiO}_2$  teachings of Moran to the optical device of Sowers et al, as claimed.

**Conclusion**

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center receptionist whose telephone number is (571) 272-2000.

Any inquiry concerning this communication should be directed to Examiner- Akm Enayet Ullah at telephone number 571-272-22361 The examiner can normally be reached on Monday through Wednesday from 5:30 a.m. to 3:00 p.m.

AUllah  
February 9, 2004

  
Akm Enayet Ullah  
Primary Examiner  
Art Unit 2874

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